



**CALIFORNIA**

**CALIFORNIA GEOLOGISTS AND GEOPHYSICISTS**

### San Jacinto Sunset, California

Sunset over San Jacinto Peak, at 10,804 feet it is the second highest mountain in southern California.

Photograph by John Karachewski



### EXECUTIVE OFFICER'S REPORT

Season's greetings to all of the Board's stakeholders! Our staff continues to strive to satisfy our Mission Statement, which is to continuously enhance the quality, significance and availability of geological and geophysical services offered to the people of California. With the strongest enforcement program that the consumer has ever seen from this Board and with drastically improved examinations, we are successfully fulfilling our legislative mandate. A great big THANK YOU goes to all who have helped the Board in meeting its goals.

Paul Sweeney  
Executive Officer

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**WINTER 2003**

Board for Geologists and Geophysicists

**ENFORCEMENT ACTION**  
**THOMAS MILLS**  
**REGISTERED GEOLOGIST**  
**LICENSE NO. 4439**

The Board for Geologists and Geophysicists issued a citation and fine of \$2,500.00 to Mr. Thomas Mills, Registered Geologist No. 4439, for violation of §7860(b) of the Business and Professions Code (Geologist and Geophysicist Act).

The citation was issued to Mr. Mills for negligence and incompetence for failing to adequately characterize, store and treat on-site potentially hazardous materials encountered during improvements for a multi-unit, single-family development in southern California (Bus. & Prof. Code § 7860(b)). The standard of practice for a Registered Geologist in responsible charge of site characterization and remediation work in California requires that a licensed professional adequately characterize potentially contaminated materials in order to comply with the California Water Code (CWC) §13264.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Mr. Mills paid the fine and the case was closed on August 14, 2002.

**ENFORCEMENT ACTION**  
**BARBARA MOED**  
**CERTIFIED PROFESSIONAL**  
**GEOLOGIST**  
**NO. 10562**

The Board for Geologists and Geophysicists (Board) issued a citation and fine of \$2,500.00 to Barbara Moed, American Institute of Professional Geologists (AIPG) Certified Professional Geologist (CPG) No. 10562 for violation of section 7872(a) of the Business and Professions Code (Geologist and Geophysicist Act). According to Board records, Barbara Moed was at all times

relevant not licensed by the Board as a Registered Geologist authorized to practice geology in the State of California.

The citation was issued to Barbara Moed for unlicensed practice of geology while conducting an environmental site assessment in San Diego County, California (Bus. & Prof. Code §7872(a), practice of geology without legal authority). Barbara Moed signed a "Round of Ground Water Testing Former Dry Cleaners Old Schoolhouse Square" site assessment report, dated July 5, 2001, which was subsequently provided to the County of San Diego Department of Environmental Health staff without the required California certified licensee signature or seal.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Barbara Moed agreed to pay the fine and the case was closed on September 27, 2002.

**ENFORCEMENT ACTION**  
**MARK HULETT**  
**REGISTERED GEOLOGIST**  
**LICENSE NO. 4800**  
**CERTIFIED ENGINEERING**  
**GEOLOGIST**  
**LICENSE NO. 1623**

The Board for Geologists and Geophysicists issued a citation and fine of \$2,500.00 to Mark Hulett, Registered Geologist No. 4800, Certified Engineering Geologist No. 1623, for violation of §7860(b) of the Business and Professions Code (Geologist and Geophysicist Act).

Mark Hulett signed a report entitled "Petrographic Analysis, Coarse & Fine Aggregate of Crushed Materials from Robertson's Ready Mix-Rialto Facility, San Bernardino County, CA," dated February 14, 2000, that was subsequently submitted to Orange County. The Citation alleged that the





aforementioned report failed to and/or lacked: 1) adequate recording of the test procedures employed in the examination of the rock aggregate samples; 2) adequate description and discussion of optical properties of the aggregate particles as determined by thin-section examination with a polarizing microscope; 3) deficient and incomplete aggregate descriptions with respect to ASTM C295<sup>1</sup> protocols and standard petrographic nomenclature; 4) tabulated examination data did not conform to the calculation and tabulation methodologies specified in ASTM C295; and 5) adequately evaluate the potential of alkali-silica reactivity of the aggregate materials to be used in the manufacture of concrete (Bus. & Prof. Code §7860(b)). The aforementioned deficiencies fell below the professional standard of care and consequently constituted negligence or incompetence in the professional practice of geology.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Mark Hulett paid the fine and the case was closed on October 1, 2002.

<sup>1</sup> The standard practice or custom in industry for the petrographic examination of aggregate samples at this time is the American Standards for Testing Materials (ASTM) C295-90, "Standard Guide for Petrographic Examination of Aggregates for Concrete" (ASTM C295).

## **ENFORCEMENT ACTION** **SAM ARBUTHNOT**

The Board for Geologists and Geophysicists (Board) issued a citation and fine of \$500.00 to Sam Arbuthnot for violation of section 7872(a) of the Business and Professions Code (Geologist and Geophysicist Act). According to Board records, Sam Arbuthnot was at all times relevant not licensed by the Board as a Registered Geologist and thereby authorized to practice geology in the State of California.

The citation was issued to Sam Arbuthnot for unlicensed practice of geology while conducting a property transfer site assessment in Malibu,

California (Bus. & Prof. Code §7872(a), practice of geology without legal authority). Sam Arbuthnot signed a property transfer site assessment letter report constituting the professional practice of geology entitled "353 Acre Parcel in Malibu, CA on P.C.H.", dated February 12, 2001, which was subsequently provided to potential property buyers without the required California certified licensee signature or seal.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Sam Arbuthnot agreed to pay the fine and the case was closed on October 10, 2002.

## **ENFORCEMENT ACTION** **ANDERSON DONAN**

The Board for Geologists and Geophysicists issued a citation and fine of \$2,000.00 to Anderson Donan. The citation was issued to Anderson Donan for unlicensed professional practice during conduct of a property transfer environmental site assessment of a property in San Diego County, California (Bus. & Prof. Code § 7872(a)). Mr. Donan signed a site assessment letter report entitled "Letter responding to the Buyer's Consultants Dated April 18, 2000", dated August 30, 2000, which was provided to the San Diego County Department of Environmental Health staff without the required certified licensee signature or seal.

Environmental site assessment report submittal requirements are specified in the San Diego County Site Assessment and Mitigation Program Manual (SAM Manual). SAM Manual specifically states "interpretation of subsurface processes affecting contaminant migration, contaminant transformation and interpretations of geologic and hydrogeologic conditions need to be reviewed and

signed by a registered professional in the field of geology" (SAM Manual, page 6-36). Consequently, the aforementioned letter report constitutes the professional practice of geology.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Anderson Donan agreed to pay the fine and the case was closed on October 25, 2002.

**ENFORCEMENT ACTION**  
**HANK JONG**  
**REGISTERED GEOLOGIST**  
**LICENSE NO. 4746**  
**CERTIFIED ENGINEERING**  
**GEOLOGIST**  
**LICENSE NO. 1646**  
**CERTIFIED HYDROGEOLOGIST**  
**LICENSE NO. 213**

The Board for Geologists and Geophysicists issued a citation and fine of \$2,500.00 to Dr. Hank Jong, Registered Geologist No. 4746, Certified Engineering Geologist No. 1646 and Certified Hydrogeologist No. 213, for violation of §7860(b) of the Business and Professions Code (negligence and/or incompetence section of the Geologists and Geophysicist Act in the Business and Profession Code).

The citation was issued to Dr. Jong for professional negligence and incompetence during preparation of site characterization and development suitability reports in the communities of Rolling Hills and Walnut in California that were submitted to Los Angeles County, Department of Public Works. Dr. Jong failed to research available Los Angeles County, Department of Public Works records causing additional and unnecessary review work by the Los Angeles County Department of Public Works staff for the two separate sites and needless expense and lost time by the property owner by necessitating reassessment of the

new submittals to the County Public Works staff.<sup>1</sup>

Section 125.9(d) of the Business and Professions Code specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Dr. Jong paid the fine and the case was closed on November 12, 2002.

<sup>1</sup> The standard of practice of an appropriately licensed individual working under similar circumstances requires that a reasonable professional complete an adequate technical review of existing published materials (e.g., Los Angeles County, Department of Public Works records) which would have revealed the presence of site geologic conditions affecting proposed development.

## Contact the Board.....

**TELEPHONE**  
(916) 263-2113

**E-MAIL**  
[geology@dca.ca.gov](mailto:geology@dca.ca.gov)

**FAX**  
(916) 263-2099

**WEBSITE**  
[www.dca.ca.gov/geology](http://www.dca.ca.gov/geology)







## SENATE BILL 2025

SB 2025, introduced by the Committee on Business and Professions (Senators Figueroa (Chair), Johannessen, Machado, Morrow, Murray, O'Connell, and Polanco) and signed into law by Governor Gray Davis, will extend the Board's sunset date until January 1, 2007 (the former date was January 1, 2006). The following text from SB 2025 applies to the Board for Geologists and Geophysicists.

Existing law provides for the Joint Legislative Sunset Review Committee, which is authorized to act until January 1, 2004. Existing law provides for, within the Board of Consumer Affairs, the existence of (a) the Speech-Language Pathology and Audiology Board, which is repealed January 1, 2005, (b) the Board of Psychology, which is repealed January 1, 2006, (c) the Veterinary Medical Board, which is repealed January 1, 2005, (d) the Board of Behavioral Sciences, which is repealed January 1, 2006, (e) the California Architects Board, which is repealed January 1, 2006, (f) the Board for Professional Engineers and Land Surveyors, which is repealed January 1, 2005, (g) the Board for Geologists and Geophysicists, which is repealed on January 1, 2006, (h) the Court Reporters' Board of California, which is repealed January 1, 2006, (i) the Structural Pest Control Board, which is repealed January 1, 2006, and (j) the State Athletic Commission, which is repealed January 1, 2007. Existing law provides that these boards are subject to the review of the Joint Legislative Sunset Review Committee upon their repeal.

**This bill would extend the repeal dates for these boards by one year.**

SEC. 19. Section 7810 of the Business and Professions Code is amended to read:

7810. The Board for Geologists and Geophysicists is within the department and is subject to the jurisdiction of the department. Except as provided in this section, the board shall consist of eight members, five of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist.

Each member shall hold office until the appointment and qualification of the member's successor or until one year has elapsed from the expiration of the term for which the member was appointed, whichever occurs first. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the

remainder of the unexpired term.

Each appointment shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired. No person shall serve as a member of the board for more than two consecutive terms.

The Governor shall appoint three of the public members and the three members qualified as provided in Section 7811. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies that occurred on or after January 1, 1983.

At the time the first vacancy is created by the expiration of the term of a public member appointed by the Governor, the board shall be reduced to consist of seven members, four of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist. Notwithstanding any other provision of law, the term of that member shall not be extended for any reason, except as provided in this section.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 20. Section 7815.5 of the Business and Professions Code is amended to read:

7815.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

## WELCOME NEW BOARD MEMBERS

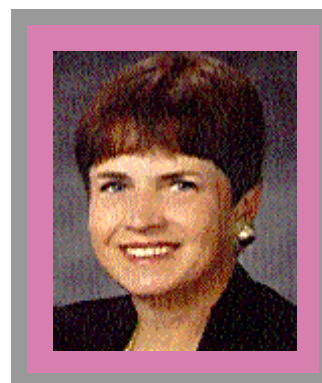
Governor Gray Davis has appointed Craig Copelan and Thomas Ross to the Board for Geologists and Geophysicists.

Mr. Copelan, 45, of Winters, has nearly 20 years experience with the Department of Transportation, currently as Senior Transportation Engineer of the Traffic Safety Research Branch. He was Senior Transportation Engineer of Traffic Data Systems and the Legal Support Branch from 1989 to 1993 and an Associate Bridge Engineer from 1983 to 1989. Mr. Copelan is also the former President of Professional Engineers in California Government, President of the Capital Branch of the American society of Civil Engineers, and a member of the Structural Engineers Association of California. He earned a bachelor of science degree from the University of California, Davis.

Mr. Ross, 37, of Dana Point, has more than 15 years experience building print, digital and broadcast campaigns for technology and media clients. He is a Marketing Specialist for Entercom Communications, where he manages all print and digital marketing projects for 101 radio stations in 18 markets nationally. Previously, Mr. Ross was the Director of Marketing for a broadcast company, First MediaWorks, and a Producer/Director for a digital entertainment network. He is on the board of directors for Radiocares.org and co-founded Innuity Internet University and First MediaWorks University.

## STAFF MEMBER MARY LYNN FERREIRA RETIRES

Staff member Mary Lynn Ferreira will retire at the end of December after 38 years of public service with the Department of Consumer Affairs.



Ms. Ferreira began her career with the department in August 1966 when it was known as the Department of Vocational Standards. Throughout her years of service, Ms. Ferreira has worked for the Medical Board of California, Board of Optometry, Division of Administration, Division of Consumer Services and the Structural Pest Control Board, where she was the Registrar for 13 years.

Ms. Ferreira joined the Board for Geologists and Geophysicists in 1995. As the Office Manager, Ms. Ferreira has directed the administrative and legislative functions of the Board and has overseen the development and administration of the annual examinations. Ms. Ferreira has been vital to the Board's success and she will be deeply missed. The Board would like to wish her well in her new endeavors.





## 2003 CALENDAR OF EVENTS

Holiday – New Year's	January 1	
Holiday – Martin Luther King, Jr.	January 20	
Examination Committee	February 7	
Holiday – Lincoln's Birthday	February 12	Sacramento
Holiday – Washington's Birthday	February 17	
Examinations	March 7	Carson
Examinations	March 7	Sacramento
Holiday- Caesar Chavez Day	March 31	
<b>Board Meeting</b>	<b>May 2</b>	<b>Sacramento</b>
Holiday – Memorial Day	May 26	
Holiday – 4 <sup>th</sup> of July	July 4	
Technical Advisory Committee	July 11	Sacramento
Examination Committee	July 18	Sacramento
Holiday – Labor Day	September 1	
<b>Board Meeting</b>	<b>September 12</b>	<b>Sacramento</b>
Holiday – Columbus Day	October 13	
ASBOG Annual Meeting	October 29 to November 2	Florida
Holiday – Veterans Day	November 11	
Examination Committee	November 14	Sacramento
Holiday – Thanksgiving	November 27-28	
<b>Board Meeting</b>	<b>December 5</b>	<b>Sacramento</b>
Holiday – Christmas	December 25	

